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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,398	01/09/2004	Timothy P. Giggins	NG-32229	7952
22202	7590	06/23/2005	EXAMINER	
WHYTE HIRSCHBOECK DUDEK S C			DINH, JACK	
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SUITE 1900			PAPER NUMBER	
MILWAUKEE, WI 53202			2873	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/754,398	Applicant(s) GOGGINS, TIMOTHY P.	
	Examiner Jack Dinh	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>DETAILED ACITON</u> . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 15, line 10, the phrase "a digitally output image" renders the claim indefinite. This component was introduced without clearly define its position relative to other components. Therefore, it is unclear of its position as well as the entire configuration as a whole. The rejections below will be based on the broadest interpretation of the claimed language, and this feature will be omitted where applicable.

Regarding claim 20, "the security feature" lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 8 are rejected under 35 U.S.C. 102(b) as being unpatentable by Goggins (US Patent 6,490,092).

Regarding claim 1, Goggins (figure 8) is interpreted as disclosing a digitally imaged lenticular product having a special effect feature, the product comprising a lenticular lens 28 having an array of lenticles defining a front surface, and a substantially flat back surface 28a located opposite the front surface, and a digitally (col. 7, lines 41-44) output interlaced image 40 including a special effect feature (col. 9, lines 29-46), the image joined to the flat back surface of the lens so as to be in correspondence with the array of lenticles (col 7, lines 48-50).

Regarding claims 2-4, Goggins is interpreted as further disclosing that the digitally output interlaced image including the special effect feature is printed directly to the flat back surface of the lens or to a substrate and the substrate is attached to the flat back surface of the lens using digital printing press (col. 7, lines 41-44).

Regarding claim 8, Goggins (figure 6) is interpreted as further disclosing that the lens and the image are used as part of a cup.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goggins (US Patent 6,490,092) as applied to claim 1 above, in view of Goggins (US Patent 5,896,230).

Regarding claims 5 and 6, Goggins 092' is interpreted as disclosing all the claimed limitations except for the security feature comprises an ink visible only with UV light. Within the same field of endeavor, Goggins 230' discloses such teaching (col. 2, lines 26-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an ink visible only with UV light, for security purposes.

5. Claims 9-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goggins (US Patent 6,490,092) in view of Goggins (US Patent 5,896,230).

Regarding claims 9 and 12, Goggins 092' (figure 8) is interpreted as disclosing a digitally imaged lenticular product having a special effect feature (col. 9, lines 29-46), the product comprising a lenticular lens **28** having an array of lenticules defining a front surface, and a substantially flat back surface **28a** located opposite the front surface, and a digitally (col. 7, lines 41-44) output image **40** joined to the back surface of the lens, the digitally output image comprising an interlaced image that is in correspondence with the array of lenticules (col 7, lines 48-50). Goggins is interpreted as disclosing all the claimed limitations except for a noninterlaced lenticular security feature comprises an ink that is visible only with UV light. Within the same field of endeavor, Goggins 230' discloses such teaching (col. 2, lines 26-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an ink visible only with UV light, for security purposes.

Regarding claims 10-11, Goggins is interpreted as further disclosing that the digitally output interlaced image including the special effect feature is printed directly to the flat back surface of the lens or to a substrate and the substrate is attached to the flat back surface of the lens using digital printing device (col. 7, lines 41-44).

Regarding claim 14, Goggins (figure 6) is interpreted as further disclosing that the lens and the image are used as part of a cup.

6. Claims 15-17, 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goggins (US Patent 6,490,092).

Regarding claims 15, 23 and 24, Goggins (figure 8) is interpreted as disclosing a lenticular product having an intermediate coating layer, the product comprising a lenticular lens **28** having an array of lenticules defining a front surface, and a substantially flat back surface **28a** located opposite the front surface, a digitally (col. 7, lines 41-44) output interlaced image **40** having a first surface that is joined to the flat back surface of the lens and second surface that is opposite the first surface, the digitally output interlaced image in correspondence with the array of lenticules (col 7, lines 48-50), and an intermediate coating layer **42** applied to at least a portion of the second surface of the digitally output interlaced image. Goggins is interpreted as disclosing all the claimed limitations except for a digitally output image digitally output to a portion of the intermediate coating layer. However, such coating layer acts as a substrate, and providing an image on the second surface of the substrate would be an obvious modification to one of ordinary skill in the art. In addition, such coating or substrate is usually non-transparent for printing purposes. Therefore since the front interlaced image would not interfere with the

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back image, it is obvious that the viewer cannot view both images at the same time. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an image on the second surface of the coating layer, for the purpose of providing a nonlenticular second image.

Regarding claims 16-17, Goggins is interpreted as further disclosing that the digitally output interlaced image including the special effect feature is printed directly to the flat back surface of the lens or to a substrate and the substrate is attached to the flat back surface of the lens using digital printing device (col. 7, lines 41-44).

Regarding claim 21, Goggins (figure 6) is interpreted as further disclosing that the lens, the digitally output interlace image, the intermediate coating layer, and the digitally output image are used as part of a cup.

Regarding claim 22, Goggins is interpreted as further disclosing that the intermediate coating layer is a white coating layer that is one of a spot coating and a flood coating (col. 9, line 40).

Regarding claim 25, Goggins is interpreted as disclosing all the claimed limitations except that the lenticular lens resolution is determined according to the printer machine resolution and the number of frames of the interlaced image. However, such concept would be within the knowledge of one skill in the art to produce a desired graphic effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such claimed limitations, for the purpose of creating a desired graphic effect.

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7. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goggins (US Patent 6,490,092) as applied to claim 15 above, in view of Goggins (US Patent 5,896,230).

Regarding claims 18-19, Goggins 092' is interpreted as disclosing all the claimed limitations except for the special effect feature comprises an ink visible only with UV light. Within the same field of endeavor, Goggins 230' discloses such teaching (col. 2, lines 26-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an ink visible only with UV light, for security or special effect purposes.

8. Claims 7, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goggins (US Patent 6,490,092) in view of Goggins (US Patent 5,896,230), as applied in claims 5, 9 and 18, and further in view of Menz et al. (US Patent Publication 2003/0169468).

Regarding claims 7, 13 and 20, Goggins in view of Goggins is interpreted as disclosing all the claimed limitations, as described above, except for a water marks. However, water marks are very well known the art of security. Within the same field of endeavor, Menz is interpreted as disclosing such teaching (paragraph 0003). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a water mark, for security purposes.

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Dinh whose telephone number is 571-272-2327. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jack Dinh


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